

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

VIMALA LLC, dba ALECIA et al.,

Plaintiffs

v.

WELLS FARGO BANK, N.A. et al.,

Defendants.

No. 3:19-cv-0513

Judge Eli J. Richardson

Magistrate Judge Jeffery S. Frensley

**BARHAM & MAUCERE LLC'S MOTION FOR AN EXTENSION OF TIME TO
RESPOND TO THE SPECIAL MASTER'S MOTION FOR FEES**

Now comes Barham & Maucere LLC ("Counsel"), for the firm and its attorneys appearing in this action, pursuant to LR 83.01(e) and requests an enlargement of time to respond to the Special Master's "Motion" in this matter (Doc. 208) (hereinafter "Motion"). See Exhibit A attached hereto.

On February 3, 2022 Special Master Scott Cooper (or someone acting for Mr. Cooper) apparently filed the Motion, a declaration in support of the Motion (Exhibit B), and exhibits in support of the declaration (Exhibit C) (together "Motion"). The Motion was filed with ECF, but Counsel were not served a copy. However, in an abundance of caution and subject to an ongoing objection as to service, Counsel requests additional time to respond.

In his Motion for Fees, the Special Master argues that Counsel, as counsel for Plaintiffs, be issued a "contempt citation" and that the Court order "Counsel (Barham & Maucere) to pay Plaintiffs' share of the Special Master's fees." (Motion paras. 2 and 3). In support of this argument, the Special Master makes generalized and unsupported allegations and insinuations that Counsel is responsible for certain alleged actions by Plaintiffs.

Counsel denies all allegations and insinuations by the Special Master as unfounded, inflammatory, and not made in good faith. However, due to the nature of the allegations and the motion for contempt and sanctions, Counsel needs time to prepare a response and to determine whether or not Counsel should seek its own legal counsel to represent it against these allegations.

Moreover, it is Counsel's understanding that Mr. Cooper and Plaintiffs have been in advanced negotiations and are close to resolving the payment to Mr. Cooper in full by way of settlement. Counsel understands that Plaintiffs may have already accepted an offer, which may render the Motion moot. Counsel was originally included in the negotiation correspondence but it is unclear if that is still the case.

Therefore, since the Motion was never served on Counsel and considering the apparent circumstances, Counsel seeks direction from the Court as to a date upon which a response by Counsel is due. Additionally, Counsel requests that the Court grant an enlargement of time to respond to the Motion for an additional sixty days in order to prepare a defense and determine whether to retain its own counsel to represent Counsel in this matter.

Pursuant to LR 7.01(a)(1), Counsel certifies that it notified Plaintiff on February 3, 2023, of this motion.

For the reasons set forth above, Counsel seeks an order granting its extension of time to respond to the Motion for Fees for an additional 60 days until April 12, 2023.

SIGNATURE ON FOLLOWING PAGE

Respectfully Submitted,

/s/ SCOTT RAYMOND MAUCERE

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CERTIFICATE OF SERVICE

I certify that on this day a true and exact copy of the foregoing document has been served on the following counsel by electronic mail and/or CM/ECF to:

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This the 10th day of February 2023

BARHAM & MAUCERE LLC

/s/ SCOTT RAYMOND MAUCERE